

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

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2007 MAR -6 P 2:40

Tracey Fells,

Petitioner,

v.

Federal Bureau of Prisons and John
J. LaManna, Warden of FCI-Edgefield,

Respondents.

Civil Action No. 3:06-1172

ORDER

This matter is before the Court on the pro se Petitioner's request for writ of habeas corpus pursuant to 28 U.S.C. § 2241. Pursuant to Local Rule 73.02(B)(2)(a), this matter was referred to United States Magistrate Judge Joseph R. McCrorey for preliminary review.

On June 13, 2006, the Respondents filed a motion to dismiss or, in the alternative, for summary judgment. The Court issued an Order pursuant to Roseboro v. Garrison, 528 F.2d 309 (4th Cir. 1975), advising the Petitioner of his obligation to respond to the Respondents' motion. The Petitioner filed his response on June 20, 2006, and the Respondents filed a reply on June 27, 2006. Then, on July 25, 2006, the Respondents filed a motion to dismiss the petition as moot in light of Fells's release from federal custody. The Court issued a second Roseboro Order on July 28, 2006, but Fells made no further response.


On February 13, 2007, the Magistrate Judge issued a report and recommendation ("R&R") analyzing the issues and recommending that the Court dismiss the present petition as moot. Attached to the R&R was a notice advising the parties that they had ten days in which to file specific, written objections to the R&R. To date, no such objections have been filed.

Absent timely objection from a dissatisfied party, a district court is not required to review,

under a de novo or any other standard, a Magistrate Judge's factual or legal conclusions. Thomas v. Arn, 474 U.S. 140, 150 (1985); Wells v. Shriner's Hosp., 109 F.3d 198, 201 (4th Cir. 1997). Here, because the parties filed no objections to the R&R, there are no portions of the R&R to which the Court must conduct a de novo review. Accordingly, the Court hereby adopts the Magistrate Judge's R&R as the Order of this Court, and it is

ORDERED that the present petition is dismissed as **MOOT**.

IT IS SO ORDERED.


The Honorable Sol Blatt, Jr.
Senior United States District Judge

March 6, 2007
Charleston, South Carolina

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